

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 KENNETH DOWE SMITH) 1:05-CV-0546 REC TAG HC
12 Petitioner,) ORDER DENYING MOTION FOR
13 v.) APPOINTMENT OF COUNSEL
14 CALIFORNIA ATTORNEY GENERAL,) (DOCUMENT #3)
15 Respondent.)

17 Petitioner has requested the appointment of counsel. There currently exists no absolute
18 right to appointment of counsel in habeas proceedings. See e.g., Anderson v. Heinze, 258 F.2d
19 479, 481 (9th Cir.), cert. denied, 358 U.S. 889 (1958); Mitchell v. Wyrick, 727 F.2d 773 (8th Cir.),
20 cert. denied, 469 U.S. 823 (1984). However, Title 18 U.S.C. § 3006A authorizes the appointment
21 of counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Rules
22 Governing Section 2254 Cases. In the present case, the Court does not find that the interests of
23 justice would be served by the appointment of counsel at the present time. Accordingly, IT IS
24 HEREBY ORDERED that Petitioner's request for appointment of counsel is denied.

26 IT IS SO ORDERED.

27 Dated: June 13, 2005
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